IN RE: PETITIONS FOR SPECIAL HEARING \* SPECIAL EXCEPTION, ZONING COMMISSIONER OF B. PIMORE COUNTY CASE # 89-500-SPHXA 15th Election District PTW Limited Partnership Tetitioner

## FINDINGS OF LACT AND CONCLUSIONS OF LAW

\*\*\*\*\*\*\*

The Petitioner herein requests a Special Hearing to approve an amendment of the Zoning Plat previously filed in Zoning case #89-362-XA so as to provide for the subdivision of the subject property into three (3) parcels and to substitute a car wash facility for the retail strip shown on the original plat; a Special Exception, pursuant to Section 236.4 to permit a car wash in a B.R. zone; and a variance of Section 238.2 to permit front, back and side yard setbacks regarding the Glass Installer/Lube & Tune Building and the Ministorage Building A, as more particularly described in Petitioner's Exhibit 1.

Mr. Richard Israel, on behalf of the Petitioner, appeared, testified and was represented by E. Harrison Stone, Esquire. Also appearing on behalf of the Petitioner was Anthony J. Corteal, a Professional Engineer, and Ollie K. Mumpower, Jr., a Traffic Engineer. There were no Protestants.

Testimony indicated that the subject property, located at the intersection of North Point Boulevard and Merritt Boulevard is zoned B.R. and consists of approximately 5 acres +/-. The proposed retail strip which incorporated a bank was approved and authorized, pursuant to Zoning

case 89-362-XA. The Petitioner now desires to replace the retail strip with the aforementioned car wash and automotive uses..

Mr. Corteal testified that ingress and egress to the proposed car wash will be on Old North Point Road and that a minimum of 26 stacking spaces will be maintained. He testified that, in his op\_nion, the conditions delineated in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) are satisfied. The site plan provides adequate parking and stacking space for the proposed use. The Petitioner testified that landscaping will comply with the Baltimore County Landscaping Manual.

Mr. Mumpower testified that replacement of the retail strip with the proposed car wash and automotive facilities will greatly reduce the projected traffic congestion due to the resulting decrease in the number of merchants on the subject site.

It is clear that Section 236.4 of the B.C.Z.R. permit the use requested by the Petitioner in a B.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

Mr. Corteal testified that in view of the topography of the subject property, the applicable setback requirements create a practical difficulty which will greatly inhibit and restrict the Petitioner's development of the subject site.

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons give above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this of day of /..., 1989, that the Petition for Zoning Variance from Section 238.2 for a 17 feet rear setback in lieu of the required 30 feet; a 38 fest front setback in lieu of the required 50 feet; a 25 foot side setback in lieu of the required 30 feet and 20 feet side setback in lieu of the required 30 feet for the Glass Installer/Lube and Tune Building; and a variance from Section 238.2 for a 1 foot setback in lieu of the required 30 feet for the Ministorage Building, all lb accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception for a car wash in a B.R. zone, pursuant to Section 236.4, and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Fearing to amend the zoning plat and relief granted in case #89-362-XA to provide for the subdivision of the subject property into three (3) parcers and to substitute a car wash and automotive facility for the approved retail strip, as more fully described on Petitioner's Exhibit 1, is hereby GRANTED subject, however, to the following restrictions which are conditions precedent to the relief granted merein:

> 1. The Petitioner may apply for his building that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.

All parking lot lighting shall be no more than 20 feet above ground. All exterior lighting shall be directed downward and shall not diffuse onto any residential property.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

cc: Mr. Richard E. Israel, Siena Corporation, 8350 Bristol Court, Suite 101, Jessup, Maryland 20794

cc: E. Harrison Stone, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204

cc: Mr. Anthony J. Corteal, 21 Governors Court, Baltimore Md. 21207

cc: Mr. Ollie K. Mumpower, Jr., 414 E. Joppa Road, Towson, Md. 21204

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

June 22, 1989



Dennis F. Rasmussen

E. Harrison Stone, Esquire Royston, Mueller, McLean and keid Suite 600 102 West Pennsylvania Avenue Towson, Maryland 21204-4575

> RE: Case No. 89-500-SPHXA PTW Ltd Partnership

Dear Mr. Stone:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

JRH:mmn

cc: Peoples Counsel

cc: Mr. Richard E. Israel, Siena Corporation, 8350 Bristol Court, Suite 101, Jessup, Maryland 20794

cc: Mr. Anthony J. Corteal, 21 Governors Court, Baltimore Md.

cc: Mr. Ollie K. Mumpower, Jr., 414 E. Joppa Road, Towson, Md.

PETITION FOR ZONING VAMANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-500-5PHXA ndersigned, legal owner(s) of the property situate in Baltimore County and which is

The undersigned, legal owner(s) of the property and made a part hereof, hereby petition for a described in the description and plat attached hereto and made a part hereof, hereby petition for a	
Variance from Section See attached sheet.	

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Strict compliance with setback requirement would unreasonably prevent use of property for a permitted purpose and would be

2. Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare are secured.

unnecessarily burdensome.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted 1 resuant to the Zoning Law For Baltimore County.

	under the penalties of perjury, that I/are the legal owner(s) of the prope which is the subject of this Petition.	we erty
Contract Purchaser:	Legal Owner(s): PTW Limited Partnership By: SIFVA CORPORATION	MAP ===
(Type or Print Name)	(Type or Print Name)  Advant Colonel Post Colone	E. D. /5/
Signature	Signature	200 6
Address	(Type or Print Name)	1000
City and State	Signature	
Attorney for Petitioner:  E. Harrison Stone  (Type or Print Name)  Signature	c/o Siena Corporation 8350 Bristol Court, Suite 101 Address Phone No Jessup, MD 20794 City and State	
Address	Name, address and phone number of legal owner, tract purchaser or representative to be contacted	ed
City and State	Name Richard Israel 8350 Bristol Court Suite 101 Jessup, Saryland 20794 (301)792-8	395
Attorney's Telephone No.:	Address Phone N	io.

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_day 19.69, that the subject matter of this pecition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson. Baltimore

Zoning Commissioner of Baltimore County.

I/We do solemnly declare and affirm,

ATTACHMENT TO PETITION FOR ZONING VARIANCE PTW LIMITED PARTNERSHIP, C/O SIENA CORPORATION

Section 238.2 for a 17' rear setback instead of the required 30' for the Glass Installer/Lube & Tune Building.

Section 238.2 for a 38' front setback instead of the required 50' for the Glass Installer/Lube & Tune Building.

Section 238.2 for a 1' setback instead of the required 30' for Ministorage Building A.

Section 238.2 for a 25' side setback instead of the required 30' for the Glass Installer/Lube & Tune Building.

Section 238.2 for a 20' side setback instead of the required 30' for the Glass Installer/Lupe & Tune Building.



LAW OFFICES

## BAL \_\_RD SPAHR ANDREWS & INGERSOLL, LLP

200 East Lombard Street
Baltimore, Maryland 21202
410-828-5600
Fax: 410-528-5650
Lawyer8@Gallardspahr.com

CAMDEN, NJ DENVER, CÔ PHILADEUPHIA, PA EALY LAKE CITY, UT WASHINGTON, DC

FROM:

Gregory Reed

PHONE:

410.58.5620

DATE:

May 28, 1998

MATTER

638216 (Merritt)

### PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT

COMPANY

FAX NO.

PHONE NO.

1. Ber. Bronstein

410.296.3719

Total number of pages including this page: .

If you do not receive all the pages, please call Marcia @ 410.528.5622.

John where the attacked of Juday 29th.

You have the attacked of Juday 29th.

Closing is schedule on Friday 29th.

Juruld appreciate your completions of Jorde for the part of the format of the forma

Please Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received the communication in error, or if any problems occur with this transmission, please notify us immediately by telephone. Thank you.

PETITION FOR SPEC		DETERMINED FOR S	SPECIAL HEARING	
TO THE ZONING COMMISSIONER OF BALTIMOR		TO THE ZONING COMMISSIONER OF BALTIM	MORE COUNTY: 89-500-SPHXA	
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regular as of Baltimore County, to use the herein described property fora car wash		The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve the amendment of the Zoning Plat previously filed in Caso No. 89-362-XA		
		(Trem No. 271' so as to provide	for the subdivision of the subject	
		property into three (3) parcels	and to substitute a car wash facility	
Property is to be posted and advertised as pre-		Property is to be posted and advertised a	as presented by defining to	
I, or we, agree to pay expenses of above Special of this petition, and further agree to and are to be of Baltimore County adopted pursuant to the Zonia	al Exception advertising, posting, etc., upon filing bound by the zoning regulations and restrictions and Law for Baltimore County.	I, or we, agree to pay expenses of the above ing of this Petition, and further agree to and are tions of Baltimore County adopted pursuant to the	e Special Hearing advertising, posting, etc., upon filte to be bound by the zoning regulations and restriction the Zoning Law for Baitimore County.	
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.		I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.	
Contract Purchaser:	Legal Owner(s): PTW Limited Partnership	Contract Purchaser:	Legal Owner(s): PTW Limited Partnership	
(Type or Print Name)	(Type or Print Name) Ax. 5	(Type or Print Name)	(Type or Print Name)	
Signature	Signature		a Caland & Santal March	
	(Type or Print Name)	Signature	J.g.m	
Address		Address	(Type or Print Name)	
City and State	Signature	City and State	Signature	
Attorney for Petitioner: E. Harrison Stone	c/o Siena Corporation 8350 Bristol Court, Suite 101	Attorney for Petitioner:	c/o Siena Corporation 8350 Bristol Court, Suite 101	
(Type or Print Name)	Address Phone No.  Jessup, MD 20794	E. Harrison Stone (Type or Paint Name)	Address Phone No.	
Signature	City and State	12 1 18 3	Jessup, Maryland 20794  City and State	
102 W. Pennsylvania Avenue	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	Signature  102 W. Pennsylvania Avenue		
Towson, MD 21204		Address	tract purchaser of representative to be constructed by	
City and Stat. (301) 823-1800	Name Richard Israel 8350 Bristol Court, Suite 101	Towson, Maryland 21204  City and State	Name Richard Israel	
Attorney's Telephone No.: (301) 023 1000	Name Richard Israel  8350 Bristol Court, Suite 101  Address Jessup, MD 20794 Phone No. (301) 792- 8395	Attorney's Telephone No.: (301) 823-180	8350 Bristol Court, Suite 101  Address Jessup, MD 20794Phone No. (301) 792-	
ORDERED By The Zoning Commissioner of	Baltimore County, thisday		8395	
of April 1989, that the	e subject matter of this petition be advertised, as	ORDERED By The Zoning Commissioner	r of Baltir are County, this day	
required by the Zoning Law of Baltimore County	y, in two newspapers of general circulation through-	of, 19.87, that	t the subject matter of this petition be advertised, as	
Commissioner of Baltimore County in Room 10	and that the public hearing be had before the Zoning  6. County Cifice Building in Towson, Ealtimore	and the standard has not be	d and that the public hearing be had before the	
County, on the day of _	June 19 07 at 11 o'clock	Dan to the Control of	of, 19_89, at o'clock	
AM.	I. Robert Grinery	County, on the day of	of, 19, at	
		<u> 9. м.</u>	1 11 of Maios	
	Zoning Commissioner of Baltimore County.		Zoning Commissioner of Baltimore County.	
Z.C.O.—No. 1 (0	over)		Zoning Commissioner of Baltimore County.	
		z.c.o.—No. 1	(over)	
			● 69-500SPHXA	
OFFICIALIS	ADOUTD ID			
OLLIE K. MUN	ı .		<del></del>	
IKAPPICE	NGINEEK	PLEASE PRINT CLEARLY PETITION	NER(S) SIGN-IN SHEET	
1 (austoon pare experier	nce in the field of Traffic Engineering as a member	NAME	ADDRESS	
Maryland State Highway Administration, World	king as a Regional Traffic Engineer, Mr. Mumpower	ANTIDAY / DOTEAL	21 GOVERNORS CT	
vith the day to day operational problems of the nts, design, timing), safety studies, and tratfic co	State Highway system, including traffic signal studies	RICHARD E. ISPAEL	SIENA CORP 1261 Galford Rel Amy Junton	
a member of the Bureau of Traffic Projects, N	Mr. Mumpower was responsible for reviewing traffic	KICHALL C. TON	102 W. P. AIF TENZEN	
t studies submitted by developers for the State's	s approval. Additionally, Mr. Mumpower has provided	AV Marchael	414 E. Orpos Rr 15,055h	
analysis comments for other Bureaus in the Ac as was an additional part of Mr. Mumpower's du	dministration. Timing of the State's coordinated signal aties.	OK WARDE BELL		
	Mumpower has provided consultation to developers			

and distances. and running, 12. North 43°58'13" East 35.47 feet thence, 13. North 37°50'23" West 51.94 feet thence, STV ENGINEERS, Architects Engineers Planners Interior Designers, Professional Member Family STV, Mondae, Livin & Associates STV Lyon Associates STV, Management Constitutions STV, EL Normanian, STV, Sanders & Tolling STV, Secretary of Value & Kneming Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Commissioner PTW Limited Partnership c/o Siena Corporation 8350 Bristol Court, Suite 101 Jessup, Maryland 20794 ATTN: RICHARD ISRAEL

394 STV/Eyon associates ENGINEERS ARCHITECTS PLANNERS 21 GOVERNOR'S COURT BALTIMORE MD 21207 2722 301 944 9112 ZONING DESCRIPTION OF P.T.W. LIMITED PARTNERSHIP PROPERTY SOUTHEAST CORNER MERRITT BOULEVARD & NORTH POINT BOULEVARD ELECTION DISTRICT 15, BALTIMORE COUNTY, MARYLAND BEGINNING at a point along the easterly side of Merritt Boulevard (variable width right of way), said point being distant approximately 100 feet northeast of the existing centerline of North Point Road and approximately 95 feet southeast of the centerline of median strip of Merritt Bo 'evard, thence along said easterly side of Merritt Boulevard, 1. North 23°28'48" East 283.74 feet, and, 2. North 48°12'58" East 74.25 feet, thence with a site fillet, North 65°44'54" East 120.66 feet to a point on the southwest side of North Point Boulevard, Maryland Route No. 151, (variable width right of way), thence along same, by a curve to the right having, 4. A radius of 5,606.71 feet, an arc length of 98.17 feet, said curve being subtended by a chord bearing South 61°45'11" East 98.16 feet, 5. South 68°29'21" East 312.48 feet, and, 6. South 58°06'32" East 17.45 feet, thence leaving said North Point Boulevard and running for a line distant 170 feet northwest of and parallel to the centerline of Carroll Avenue, 7. South 40°14'28" West 523.76 feet, thence for three following courses 8. North 49°28'33" West 189.64 feet thence, 9. South 13°39'08" West 70.63 feet thence, 10. South 41°32'30" West 100.33 feet to a point in the center of North Point Road, Maryland Route No. 20, thence in said road, 11. North 49°11'53" West 99.33 feet, thence leaving said North Point Road

STV/LYON AS OCIATES 14. North 12°34'58" West 102.28 feet to the point of beginning. Containing 5.274 acres of land, more or less. MD Reg. Property Line Surveyor No. 244 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 2/17/19 District 15 Ch Posted for Special Face then, Special zeeing & Vening Petitioner: PTW Amiles Polynoshys Location of property: ES Month Blist, 160 NE N. 17 R. R. Remarks:

Posted by

Signature

Location of Signs: Location for the state of return: 7/16/77 Number of Signs: 3

> Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 3353 **287-**J. Robert Haines

> > NOTICE OF HEARING

May 8, 1989

77- 300- SPAXH

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing, Special Exception & Zoning Variance CASE NUMBER: 89-500-SPHXA E/S Merritt Blvd.. 100 NE North Point Road centerline 15th Election District - 7th Councilmanic Petitioner(a): PTW Limited Partnership
HEARING SCHEUULED: FRIDAY, JUNE 9, 1939 at 11:00 a.m.

Special Exception: A car wash. Special Hearing: Amendment of the Zoning Plat previously filed in Case Number: 89-362-XA, so as to provide for the subdivision of the subject property into three parcels and to substitute a car wash facility for the retail strip shown on such original Variance: For a 17 ft. rear setback instead of the required 30 ft for the Glass Installer/Lube & Tune Building; For a 38 ft. front setback instead of the required 50 ft. for the Glass Installer/Lube & Tune Building; For a 1 ft. setback instead of the required 30 ft. for Ministorage Building A; For a 25 ft. side setback instead of the required 30 ft. for the Glass Installar/Lube & Tune Building; For a 20 ft. side setback instead of the required 30 ft. for the Glass Installer/Lube & Tune Building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT MAINES Zoning Commissioner of Baltimore County cc: PTW Limited Partnership E. Harrison Stone, Esq.

PETITIONER'S EXHIBIT 2

Affiliations

In-Training

(E.I.T.)

Registered Engineer -

HE TRAFFIC GROUP, INC.

Job History

1988 to Present

Office of ".affic

Traffic Engineering Consultant

Chief, Traffic Analysis Section

(Special Assignment)

Regional Traffic Engineer

Chief, Technical Support Section

Assistant Regional Traffic Engineer

Regional Traffic Engineering Staff

Chief, Technical Support Staff

Maryland State Highway Administration

414 E. Joppa Road Towson, Maryland 21204

on a variety of projects including the Chesatuxent Shopping Center in Prince Frederick, The MD 202 Road Club in Landover, and Wildewood Residential Community in St. Mary's County.

**Educational Background** 

with emphasis in Transportation —

B.S. in Civil Engineering

University of Maryland

A.A. in Engineering --

Studies Center;

Harford Community College

Traffic Engineering Courses:

National Highway Institute;

Northwestern Traffic Institute:

Transportation Studies Center; Anne Arundel County Community

Catonsville Community College

University of Maryland Transportation

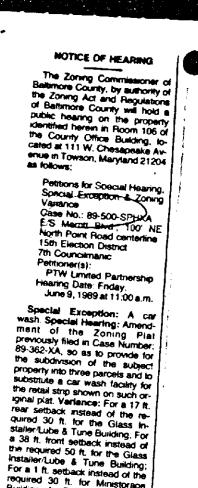
Oilie K. Mumpower, Jr.

QUALIFICATIONS

Re: Petitions for Special Hearing, Special Exception & Zoning Variances CASE NUMBER: 89-500-SPHXA E/S Merritt Blvd., 100 NE North Point Road centerline 15th Election District - 7th Councilmanic Petitioner(s): PTW Limited Partnership HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 11:00 a.m. THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Please make your check payable to Baltimore County, Maryland and bring with the sign(s) and post(s) to the Zoning Office, County Office BALTIMORE COUNTY. Manyland 21204 fifteen (15) minutes before OFFICE OF FROM BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT the sign and post set(s), there car each set not RECEIVED PTJ Limited Carthurship Posting & Advertising for 3/3/93 Hearing

Date: 5.25.89

Dennis F. Rasmussen



setback instead of the required 30 ft. for the Glass Installer/Lube & Tune Building; For a 20 ft. side setback instead of the required 30 ft. for the Glass Installer/Lube & Tune Building.

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period for good cause shown. Such request must be in writing

date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

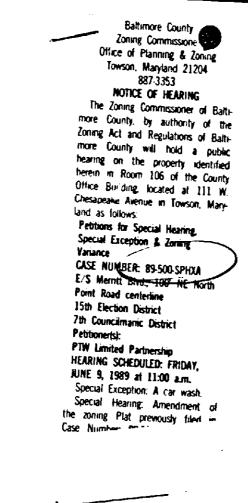
any request for a stay of the is-

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Paltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on may 18.1969.

THE JEFFERSONIAN.

P012524 nez M 28981 CO 89-500-SPHXA Puce \$ 57 13



575-7272

REFINISHING

DIAMOND GLAZE

SEX 3VAS

# CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P.O. Box 8936 Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hrgs. Case # 69-500-SPHXA - P.O. #12525 - Req. #M28982 - 129 lines \$64.50 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week

19 89; that is to say, the same was inserted in the issues of May 18, 1989

Kimbel Publication, Inc.



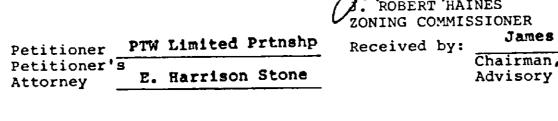
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

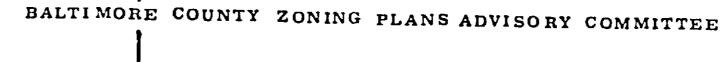
County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of April 1989.

James E. Dyer

Petitioner's E. Harrison Stone Chairman, Zoning Plans Advisory Committee





May 31, 1989

E. Harrison Stone, Esquire 102 W. Pennsylvania Avenue

Towson, MD 21204

COUNTY OFFICE BLDG.

Blircau of

Bureau of

Industrial

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Traffic Engineering

State Roads Commission

111 M. Chesepeake Ave.

Towson, Maryland 21204

RE: Item No. 399, Case No. 89-500-SPHXA Petitioner: PTW Limited Partnership Petition for Zoning Variance and Special Hearing and Special Exception

Dear Mr. Stone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Drances E. Diger/jo Chairman

Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. Richard Israel 8350 Bristol Court, Suite 101 Jessup, MD 20794

BALTI ORE COUNTY, LARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989

The Developers Engineering Division has reviewed

ROBERT W. BOWLING, P.E., Chief

Developers Engineering Division

no comments for Items 399, 400, 401, 402, 403, 404, 406,

the zoning items for the subject meeting and we have

Zoning Advisory Committee Meeting

Comments are attached for Items 405 and 411.

FROM: Robert W. Bowling, P.E.

RWB:s

Encls.

for April 11, 1989

408, 409, 410, 412, 413, 414, and 416.



Maryland Department of Transportation State Highway Administration

April 12, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County Merritt Station Zoning Meeting of 4-11-89 N/S North Point Road (MD 20) at E/SMerritt Blva. (Item #399)

Richard H. Trainor

Secretary

Hal Kassoff

Administrator

Dear Mr. Haines:

After reviewing the submittal for a special exception for a car wash, we have the following comment.

We will require the traffic impact study be revised to represent the change in traffic data due to the plan showing a car wash and a lube and tune.

All access issues must be resolved prior to signature of the CRG plan.

If you have any questions, please contact Larry Brocato at 333-1350.

> Very truly yours, Creston J. Mills, Jr., Chief Engineering Access Permits Division

cc: STV/Lyon Associates Mr. J. Ogle

My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: PTW Limited Partnership

Location: E/S Merritt Blvd., 100' NE of North Point Road centerline Zoning Agenda: 04/11/89 Item No.: 399

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( $\chi$ ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

MAY 2 4 1989

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL DIECTION AND RESOURCE MANAGEME

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item # 399, Zoning Advisory Committee Meeting of April 11,1787Property Owner: PTIV Limited Partnership Location: Els Merrit Blid, 100'NE of N. Point Rd. contentine District: 15

Water Supply: metro Sewage Disposal: metro COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications rust be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

( · ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air chality Management, 897-3775, to obtain requirements for such installation(s) before work begins. ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint

processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroller generation

which has a total cooking surface area of five (5) square feet or more. ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hyziene for

review and approval. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information,

contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 857-3775. (. ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the

contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745. ( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted. ( ) The results are valid until

( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Raltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

( ) shall be valid until ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision

regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762. (V) Others Drainage from interior service boys is to be directed to

sanitary sever via cit separater

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: 6/8/89

TO: J. Robert Haines Zoning Commissioner

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-500- XSPHA Item No. 399

Re: PTW Limited Partnership

The Petitioner requests a special exception for a car wash, a special hearing to amend Case No. 89-362- XA in order to divide the property and include a car wash not shown on the original plat and numerous setback variances required as a result of the proposed subdivision. In reference to this request, staff offers the following comments:

The property was the subject of a CRG meeting of February 9, 1989 (File No. XV-486).

The plan approved at that meeting included mini-warehouses, retail and a bank (as shown in Case No. 89-362-XA). The revised site layout shown in this case is a material change and will require a new CRG approval.

This office has no objection to the proposed variances.

The hours of operation for the car wash and the mini warehouses should be restricted. Lights should be shielded or directed away from adjoining residences.

A final landscape plan is required prior to the issuance of any building permits. The plan should include:

- extensive screening to the east of mini storage building "C" adjacent to residences. If a security fence is provided planting should be provided on both sides of the fence.

- provide planting islands at the ends of the mini storage buildings.

- provide streetscape treatment along North Point Road, North Point Boulevard and Merritt Boulevard. Any planting within the street right of way must be maintained by the property A:6989.txt Pg.8

Baltimore County Department of Public Works Bareau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 21, 1989

Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines

The Eureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and

Very truly yours,

Michael S. Flanigan Traffic Engineer Assoc. II

PROMINE 100 ed 1989

Zummes OFFICE

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 11/9/89 PRE-CRG DATE: 10/30/89 ORIGINAL DATE: 2/9/89 1st AMENDED DATE: 9/14/89 (L ied)

FROM: ZONING OFFICE

DISTRICT: 12c7

PROJECT NAME: Merritt Station - 2nd Amended

PLAN: 10/16/89 REV.: 11/3/89 REV.:

CARROLL W ROYSTON

CARROLL W ROTSTON
H ANTHONY MUELLER
JOHN L. ASKEW
EUGENE W CUNNINGHAM, IR.

1/29/90

LOCATION: NE side of intersection of Old North Point Road and Merritt Boulevard

REVISED PLAN KEY: (X) COMPLIANCE WITH COMMENT CHECKED (O) NON-COMPLIANCE IS CIRCLED (BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL) ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

This is the third C.R.G. meeting and there has been two zoning hearings previously held on this property. The principal plan changes are as follows:

 $\frac{2}{9}$  C.R.G. plan - 3 mini-warehouses, 1 60' x 250' retail building, 1 separate 30' x 36' office/residence, 1 separate 40' x 60' drive-in bank building (2 lots proposed); essentially the same plan was presented at the first zoning hearing and the special exception and variances were granted on 4/14/89, case #89-362-XA.

5/30/89 plan submitted in the second zoning hearing #89-500-SPF \* - the retail building and separate bank and separate office/residence buildings were eliminated and a car wash building and a combination glass installer/fast lube and tune building were included on the plan. The office/residence was relocated within one of the mini-storage buildings and the property was subdivided into three lots. The previous site plan was amended at the hearing and a new special exception for a car wash and additional variances were granted on 6/23/89.

9/14/89 1st amended C.R.G. plan was essentially the same plan as submitted in the second zoning hearing, including 3 lots.

10/16/89 2nd amended C.R.G. plan currently submitted for approval substitutes a retail building for the combination glass installer/lube and tune building on 2 lots

2. When the following comments are addressed as a condition of zoning approval, a red-lined latest public hearing plan must be submitted to the Zoning Commissioner clearly showing all plan changes since the zoning hear 1g with a cover letter requesting a determination whether or not the new plan is within the spirit and intent of the latest hearing plan. If not approved, another special hearing would be required to further amend the plan.

COUNTY REVIEW GROUP COMMENTS PROJECT NAME: Merritt Station - 2nd Amended CRG DATE: 11/9/89; PRE-CRG DATE: 10/30/89

3. List the reasons for the denial of the 1st amended C.R.G. plan on 9/14/89 and reference a resubdivision of lots #15-24, Moffett Terrace 7/91 in the title block.

4. Clearly indicate the location of the plan print and identify by symbol on the plan print and hearing notes all granted and utilized variances. If an earlier variance is not utilized or superseded by a new variance, this should be clear on the plan. (See comment #1 on 9/14/89.)

A - 11/3/89- Include the side setback variance utilized for the auto services bldg.

5. The stack parking spaces cannot block access aisles. The aisle widths, angled parking and traffic flow must be shown to comply with Section 409.4.C or additional parking and traffic flow must be shown to comply with Section 409.4.C or additional variances will be required. Also if the sign support is not calculated in the permitted square footage of the sign, there is a conflict with zoning policy SI-1.B and Section 413.2.e (B.C.Z.R.) and a variance would be required. (See comment #2 on 9/14/69.) 11/3/89 As required by Section 419.3 (B.C.Z.R.) separately note on the plan that the Dept. of Traffic Engineering has approved the can wash stack parking and traffic circulation.

Remove all stack parking spaces near the proposed retail building and recalculate the parking at 5/1,000 square feet. Show and identify the parking spaces supporting each separate use and if cross parking leases (across lot lines) are anticipated, clearly indicate this on the plan. Also, remove note #9 relating to the service garage use. Indicate this on the plan. Also, remove note #9 relating to the service garage use Indicate the type of durable, dustless parking, maneuvering and aisle surface and note that all spaces will be permanently striped per Section 409 (B.C.Z.R.).

Indicate by metes and bounds the limit of the car wash special exception area and include the car wash into the F.A.R. calculations as on the 6/22/89 plan. Indicate

single or double face sign and type of illumination, if proposed.  $BA = \frac{11/3/89}{2}$  describe the type of auto services proposed in the auto services bldg.

7. Final zoning approval is contingent upon the resolution of all comments, the outcome of any additional required public hearings and the inclusion of the blue commercial site plan checklist information on the building permit site plans.

Zoning Coordinator

12-4-5 JED

Macks & Macks, Inc. Fuile 205

6615 Reisterstown Road Ralimore, Maryland 21215 Talanhona 301 - 358-4934

July 27, 1989

Mr. J. Robert Haines Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, MD 21204

Re: Petition for Zoning Variance Case #89-500-A Dear Mc Haines:

I am in receipt of your decision in the above referenced case and wish to express our company's appreciation for your consideration of the matter and the decision at which you arrived. The County is well served by your efforts.

Sincerely yours, Lawrence M. Macks Vice President

Land Developers

Investment Properties

ROYSTON, MUELLER, McLEAN & REID make 11 MICROTYS ALLOW 5.411 (5.5) CARROLL W ROYSTON CALSE PERSONNAME ACTOR H ANTHONY MUELLS TOWSON, MARYLAND 21204-4575 SHN L ASKEW TIGENER GENNINGHAMUR 2 p 8 + 25 STATE OF BUILDING SELECTION FAX CHAINS SHOWN

June 9, 1989

JUR 19 1909 J. Robert Haines Zoning Commissioner, Baltimore County Office of Planning & Zoning Towson, Maryland 21204

Re: Case No.: 89-500-SPHXA (Merritt Boulevard)

Dear Commissioner Haines:

At our hearing in the above-captioned case this past Friday, June 9, 1989, you inquired whether or not the height of the light poles could be reduced from the 30 feet shown.

My client informs me that reducing this height to 20 feet or less will pose no problems. Therefore, please feel free to place such a restriction in your Order.

Sincerely yours,

E. Harrison Stone

1034h

R Lator Mallon

RICHARD & REIL

THOMAS F MODEL

LAUREL E EVANS

KETTHER TRUBLER ROBERT S HANDA

EPWARD FORDS

CECRGE B HEWEY III

TOHN W BROWNING

LAWRENCE F. HAIN!

L HARRISON STONE

MILLON R. SMITH, To

S KENGTHATER H

cc: Richard E. Israel Siena Corporation Anthony J. Corteal STV/Lyon Associates, Inc. ROYSTON, MUELLER, McLEAN & REID ATTORNEYS AT LAW

IC2 WEST PENNSYMANIA AVENUE R. TAYLOR MCLEAN TOWSON, MARYLAND 21204-4575 RICHARD A REID E HARRISON STONE C S KLINGELHOFER III (301) 823-1800 THOMAS F. McDONOUGH TELECOPIER FAX (30) 828-7859 LAUREL P. EVANS

January 23, 1990

KEITH R.TRUFFER ROBERT S HANDZO EDWARD | CILLISS C. LARRY HOPMEISTER, IR. JOHN W. BROWNING STEPHEN J. KARINA

HAND DELIVERY Mr. Carl Richards

Office of Planning and Zoning County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Merritt Station Zoning Case #89-500-SPHXA

Dear Carl:

Reference is made to the enclosed letter from STV/Lyon to Commissioner Haines dated November 27, 1989. As such letter indicates, we are hopeful that the Zoning Commissioner will approve our revised CRG Plan, as being within the spirit and intent of his previous Order in the case dated June 23, 1989. My understanding is that the current delay in granting such approval, stems from concern over our reduction of the rear setback from 49 feet to 44.8 feet.

As your file will indicate, the Plan approved at the hearing, at which there were no protestants, provided for a 24 foot distance from the rear of the mini-warehouse building to the curb line; and then 25 feet from the latter to the property line. The revised CRG Plan shortens the former from 24 feet to 19.8 feet, but retains the same distance from the curb line to the property line. It is important to emphasize here that even after such reduction, the remaining 44.8 foot distance is still well in excess of the required 30 feet; and further, that the conceptual landscape plan approved by the Planning Office, provides for the installation of chain link fencing at the top of the slope between the properties, with planting on both sides.

We are hopeful that with this clarification, our revised CRG Plan will now be approved.

Thank you for your attention to this matter.

Sincerely, E. Hartison Stone

Jusur

cc: Mr. Tony Corteal Richard Israel, Esq.

EHS/mlw Enclosure 1858g

STV/LYON ASSOCIATES ENGINEERS ARCHITECTS PLANNERS

21 GOVERNOR'S COURT BALTIMORE, MD 21207-2722 301/944-9112, FAX 301/298-2794 Telex 87999

November 27, 1989 89-2351

WCR:scj

Baltimore County Office of Planning and Zoning County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Mr. J. Robert Haines, Zoning Commissioner

Merritt Station Reference: Zoning Case #89-500-SPHXA

Our Job No.: 61-8205

Dear Mr. Haines:

As a condition of zoning approval for this project, the Zoning Office is requesting that you review and determine whether or not the CRG Plan is within the spirit and intent of the latest hearing plan. Enclosed please find a copy of the approved CRG Plan and a red lined print of the latest Zoning Plat #89-500-SPHXA for your review.

Since the above referenced zoning case was approved, there have been some minor changes in the subdivision lines, which will no longer require some of the variances granted. There are also some variances granted in case number 89-362-XA which no longer apply.

In the case 89-362-XA, the following variances and special exception are still applicable:

Special exception per Section 236.4 to allow living quarters in a commercial building.

Variance per Section 238 2 for a 15' setback instead of the required 30' for Mini-Storage Building "A".

3. Variance per Section 102.2 for a 26' setback between Mini-Storage buildings "A" and "B" instead of the required 60'. This variance distance has been increased to 30.1' from the 26' granted.

4. Variance per Section 102.2 for a 30' setback between Mini-Storage buildings "B" and "C" instead of the required 60'.

The following variances are no longer applicable from case 89-362-XA:

Variance per Section 238.2 for a 12' setback instead of the required 30' for the Office/Residence.

STV ENGINEERS, Engineers: Architects: Planners: Interior Designers, Professional Member Estats
STV: Michael Lyon & Associates: STV: Lyon Associated STV: HL: Northgram STV: Senders & Tromas: STV: Sende Stevensor: Visite & Kitalion
STV: Michael Lyon & Associates: STV: Lyon Associated STV: HL: Northgram STV: Senders & Tromas: STV: Sende Stevensor: Visite & Kitalion

STV/LYON ASSOCIATES

Baltimore County Mr. J. Robert Haines

November 27, 1989 Page 2

2. Variance per Section 102.2 for a 30' setback between the proposed

Retail Building and Mini-Storage Building "A". 3. Variance per Section 102.2 for a 45' setback between the Mini-Storage Building and the Office/Residence Building.

In case #89-500-SPHXA, the following variances and special exception are still applicable:

1. Special exception per Section 236.4 to allow a Car Wash in a BR zone.

2. Variance per Section 238.2 for a 17' rear setback instead of the reguired 30' for the Automotive Services building.

3. Variance per Section 238.2 for a 20' side setback instead of the required 30' for the Automotive Services Building.

4. Variance per Section 238.2 for a 1' setback instead of the required 30' for Mini-Storage Building "A".

The following variances are no longer applicable from case 89-500-SPHXA:

guired 30' for the Automotive Services Building.

1. Variance per Section 238.2 for a 38' front setback instead of the required 50' for the Automotive Services Building. 2. Variance per Section 238.2 for a 25' side setback instead of the re-

The sizes of each building remains the same. The location of Mini-Storage Buildings "B" and "C" has moved slightly east due to building code requirements. All other buildings are in the same location as shown on the

approved zoning plat. Please review this information and render a decision on this matter at your earliest convenience. Should you require any further information, please

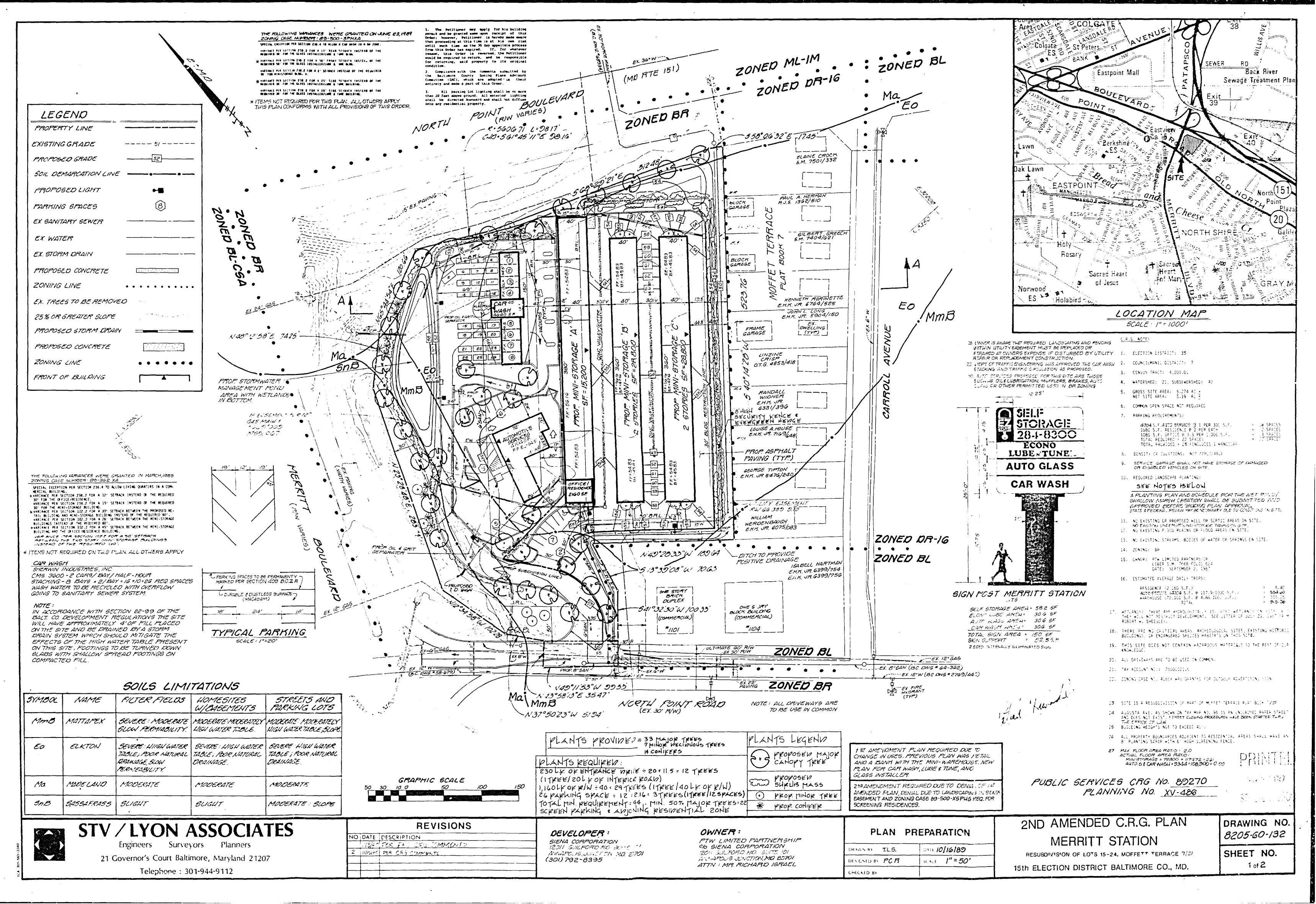
Very truly yours, STV/LYON ASSOCIATES, INC.

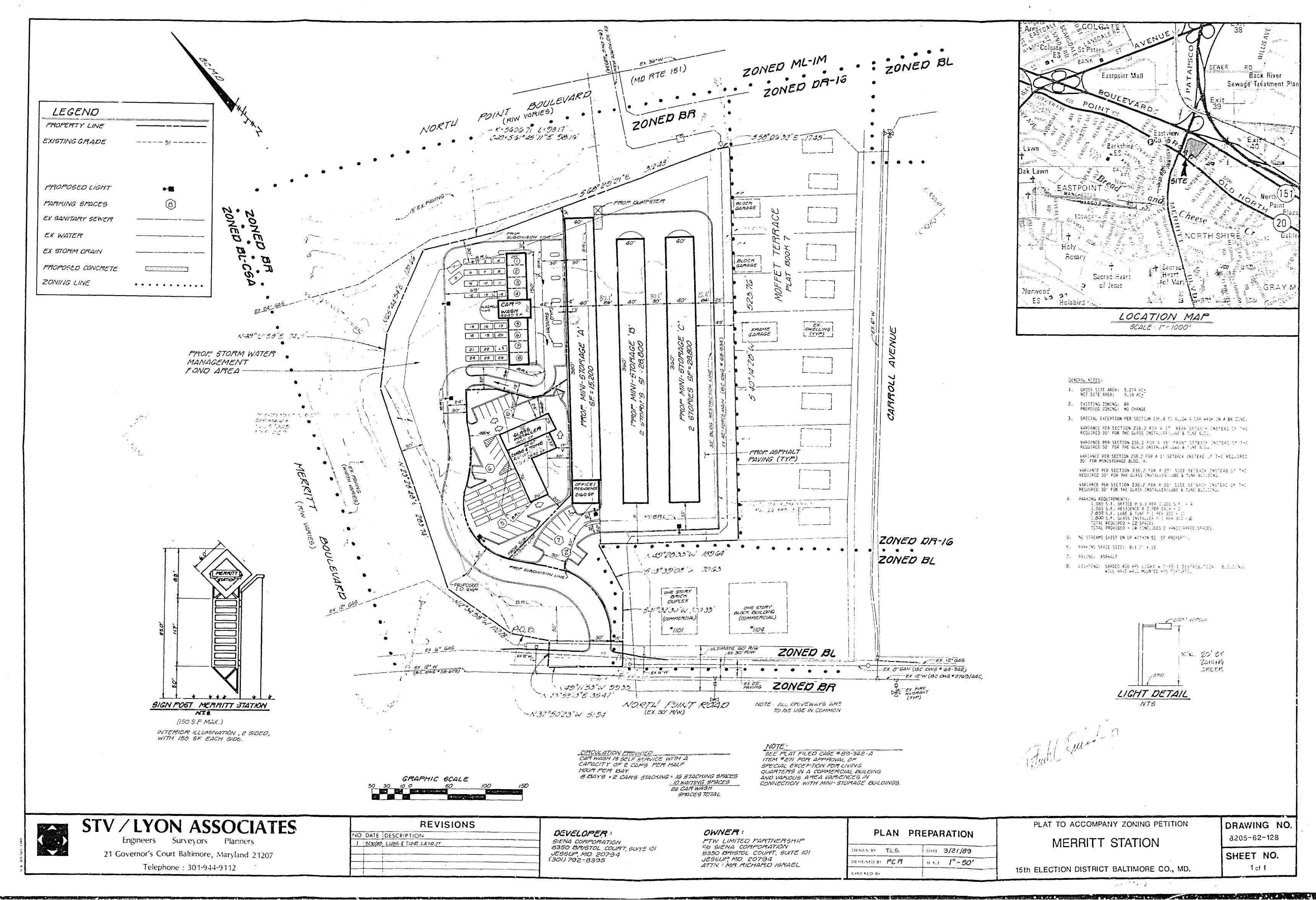
Kille Kilhardson Patrick C. Richardson, Jr., PE Project Manager

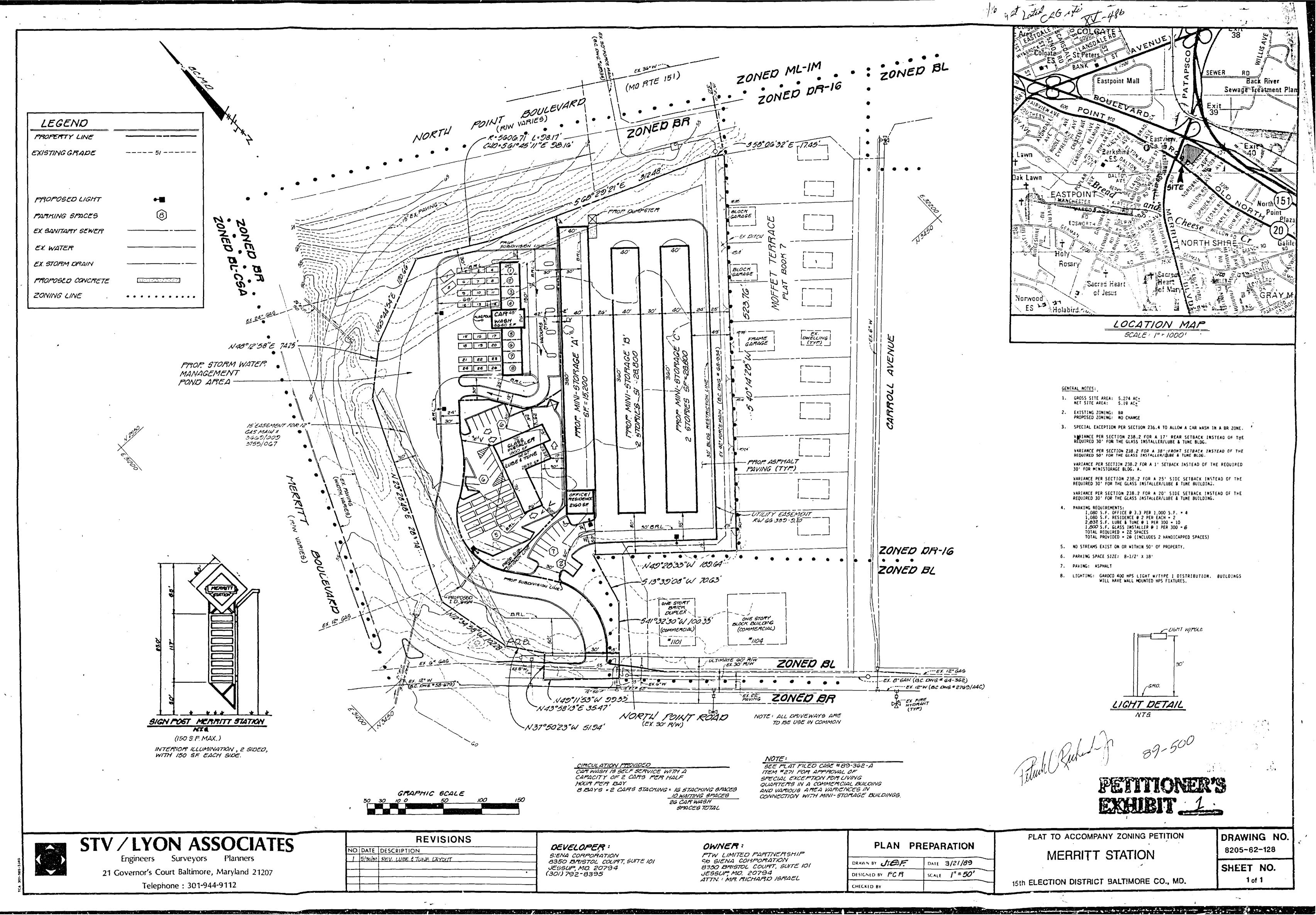
contact me.

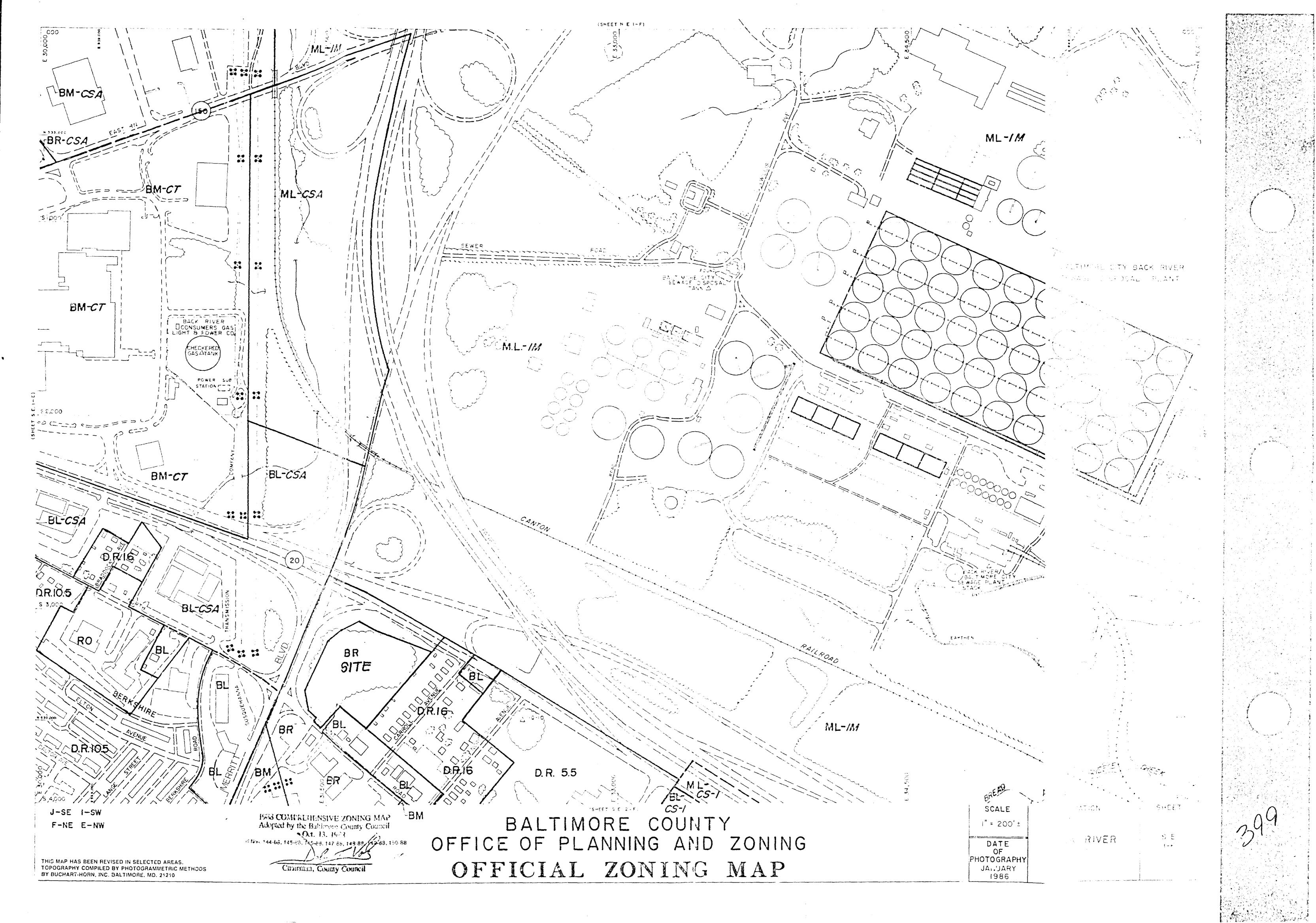
cc: Mr. Rich Israel - Siena Corporation Mr. E. Harrison Stone - Royston, Mueller, McLean & Reid

Mr. Carl Richards - Office of Planning and Zoning









		BALTIMORE COUNTY, MARYLAND	112 95	05/07/98 16:45 FAX 410 528 5651 BALLARD BALTO 2002
	AND PRESENTED AN	MISCELLANEOUS RECEIPT  WAS TO THE TIME  PROCESS ACTUAL TIME		
	Baltimore County Development Processing County Office Building	DATE 5/19/98 ACCOUNT 001-6150 SEC 4506 CASHIER KCAS KNC DRAMER 7 5 MISCELLANDIS "ASH RECEIPT	STV Incorporated  2 1 Governor's Court  Baltimore, Maryland 21244:2722	. ITO BE PLACED ON JURISDICTION'S APPLICABLE ZONING OFFICE LETTERHEAD
	Department of Permits and Development Management  County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204	AMOUNT <u>\$ 40.00 (JJS)</u> Refeirt # C1% OFLN CR NO. 048792  40.00 CHECK	(410) 944-9112 tax-(410) 298-2794	
	June 3, 1998	Rom: Ballard Spahr Andres & Ingersoll Raltimore County, Haryland	May 11, 1998 1120-1878  RECEIVED MAY 1 5 1998 To: JJS	ZONING VERIFICATION  DATE: May 28, 1998
	AMRESCO CAPITAL, L  c/o McGuire, Woods, Bat e & Boothe LLP	FOR: VERIFICATION \$98-1882  Merritt Station	Baltimore County	TO: AMRESCO CAPITAL, L.P.
	The Blaustein Building One North Charles Street Baltimore, MD 21201	Lots 1 & 2	Department of Permits Development Management  111 W. Chesapeake Avenue	c/o McGuire Woods Battle & Boothe LLP The Blaustein Building
	RE: Zoning Verification 1100 North Point Road	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION	Baltimore, Maryland 21204	One North Charles Street  Baltimore, Maryland 21201
	1100 North Point Road EZ Store, Merritt Station 15th Election District		Attention: Mr. Arnold Jablon Director	Re: PROJECT: EZ Store property  ADDRESS: 1100 North Point Road, Dundalk, Baltimore County, Maryland
	To Whom It May Concern:	j ,	Reference: Lots 1 & 2 MERRITT STATION  Baltimore County, Maryland	Ladies and Gentlemen:
	Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The zoning of this site per the 1 inch = 200 feet scale zoning map #SE-1F is B.R. (Business Roadside). As such, the use of		Dear Mr. Jablon:	We have been advised that AMRESCO CAPITAL, L.P. is considering financing the above-described project. In that regard, we have been asked to provide you with certain zoning
	THE SITE AS AD MY STOLD (MINIMARCHOLICE) is partitled. Created positive benefits as a		Submitted herewith are three copies of an ALTA/ACSM Land Title Survey of the above-	information in connection with this project.  1. Current Zoning: The project is currently zoned BR, which permits the use of the
	#89-362-X and #89-500-SPHXA permitted building uses and setbacks. The site was also approved on the latest amended County Review Group (CRG) plan, file #XV-486.  Any structure damaged to any extent or destroyed by fire or other casualty may be restored within two (2) years after such destruction or described a restored within two (2) years after such destruction or described. Granted Zoning nearing case		referenced project site, which we prepared on May 3, 1998. The property is zoned BR and benefits by variances, special exceptions, etc. from Cases 89-362XA and 89-500-SPHXA.	the use of the project as its current use as a matter of right, please explain) [please attach
	restored within two (2) years after such destruction or damage, provided it complies with the prior zoning hearings. Density requirements are not applicable on this site. Per the aforementioned zoning hearings and CRG plan, the required number of parking spaces is 22		Our client has requested that we solicit a letter from Baltimore County confirming that the subject property is not in violation of local zoning or building codes. Attached is a copy of the	applicable ordinance]: This use was (building t sethucke) was permitted by Zoning Hearing Case Nos. 89-362-XA and 89-508-5PHXA.
	A review of files in the Code Enforcement office found no violations or		format in which they would like the Zoning Verification to be prepared. Could you please review this information and forward your verification to me?	2. <u>Conformance with Current Zoning Requirements</u> . Based on the materials available from our records, the project is: Approved per afore mentioned quanted Zoning hearings and latest Amended CRG Plan, file # XV - 486.
	alleged violations within the past three (3) years or any enforcement proceedings against this site that are pending or contemplated. All required fees have been paid and		Should you have any questions or require additional information, please contact me at your	Zoning hearings and latest Amended CRG Plan, tile # XV - 7864  A legally conforming use  A legally non-conforming use
	no such fees which would have applicability to the project are pending or contemplated.  I trust that the information set forth in this letter is sufficiently detailed and		Convenience.	A legally conforming structure  A legally non-conforming structure
	responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.		I believe our client plans to settle on the property on or about May 26, 1998, so anything you could do to expedite this matter would be greatly appreciated.	Non-conforming
	Sincerely / / / / / /		Very truly yours,	If non-conforming or legally non-conforming, to the best of your knowledge, the project is non-conforming [or legally non-conforming] in the following respects:
	John J Sullivan Is		STV INCORPORATED  Charles Sidle	
	Planner II, Zoning Review  JJS:rye		Mark A. Riddle, LS Associate  Pag-362  PHXA  Associate	
	c: zoning case #89-500-SPHXA & #89-362-X		MAR/jm  (14) 3-28-5250	
	Enclosure		Mark A. Riddle, LS Associate  MAR/jm Attachments as noted  cc: Gregory Reed, Esq.  Mark A. Riddle, LS  pq-362-XA  pq-500-SPHXA  pq-500-SPHXA	533252.001
	Printed with Soybean Ink		Engineers/Architects/Planners/Construction Managers	
	05/07/98 18:45 FAT 410 528 5651 PATYADD DATE			BALLARD BALTO
	BALIARD BALTO	December 7674 Date / Carlot b		
		Post-it Fax Note 7671 Date 5-28-6 900 2  To MARK A Riddle From Tohn Sullivan  Co. Bal 70 Ca Zoning	ITO BE PLACED ON JURISDICTION'S APPLICABLE	
	3. Right to Rebuild Following Casualty: In the event of casualty to the project, in whole or in part, the project:	Phone & 944 - 9112 Phone & 987 - 339/	ZONING OFFICE LETTERHEADI	3. Right to Rebuild Following Casualty: In the evert of casualty to the project, in whole or in part, the project:
	May be rebuilt substantially in its current form (i.e., no loss of square footage, same footprint, same number of apartments units;	(410 298-2794 Fe410)887-2824	ZONING VERIFICATION	May be rebuilt substantially in its current form (i.e., no loss of square footage, same footprint, same number of apartments units,
	if applicable)		DATE: May, 1998	if applicable)
	May not be rebuilt substantially in its current form except upon satisfaction of the following conditions and/or limitations: [insert specific requirements concerning restoration of the project and	MAZK Riddle	TO: AMRESCO CAPITAL, L.P. c/o McGuire Woods Battle & Boothe LLP	May not be rebuilt substantially in its current form except upon satisfaction of the following conditions and/or limitations: [insert specific requirements concerning restoration of the project and
	attach a copy of the applicable restoration requirements;		The Blaustein Building One North Charles Street Baltimore, Maryland 21201	attach a copy of the applicable restoration requirements]:
	4. <u>Density Requirements</u> : Applicable Not Applicable If applicable, please specify the number of apartment units permitted per acre or square feet: units per [please attach applicable ordinance].		Re: PROJECT: EZ Store property	4. <u>Density Requirements</u> : Applicable Not Applicable If applicable, please specify the number of apartment units permitted per acre or square feet: units per
		Post-it Fax Note 7671 Date 5-28-98 pages 2  To Gregory Reed From Co. Balto Co. Zaning	ADDRESS: 1100 North Point Road, Dundalk, Baltimore County, Maryland	[please attach applicable ordinance].  5. Parking Spaces Required at Project: Please specify the number of parking spaces
	Parking Spaces Required at Project: Please specify the number of parking spaces required at the project [please attach applicable ordinance]: RERULTED 122 per Hearing 189-500-5PH Not and lates of Amended CRG plan file in XV-486.	Co. Ballo. Co. Zoning  Pione # (410) 528-562 Prone # Ppm  [PAI ] 528-562 Prone # Ppm	Ladies and Gentlemen:  We have been advised that \MRESCO CAPITAL, L.P. is considering financing the	required at the project [please attach applicable ordinance]:
	6. No Violations: All Development-Related Fees Paid. We are unaware of (a) the existence of any violations or alleged violations of any zoning, subdivision, building or similar ordinances or regulations applicable to the project within the past three years, or (b) any	[410] 528-5650 FY410) 887-2824	above-described project. In that regard, we have been asked to provide you with certain zoning information in connection with this project.	6. No Violations: All Development-Related Fees Paid. We are unaware of (a) the existence of any violations or alleged violations of any zoning, subdivision, building or similar
	enforcement proceedings against the project that are pending or contemplated. All fees required		1. <u>Current Zoning</u> : The project is currently zoned, which permits the use of the project as a as a matter of right (if current zoning does not permit	ordinances or regulations applicable to the project within the past three years, or (b) any enforcement proceedings against the project that are pending or contemplated. All fees required to have been paid in connection with the development and use of the project, including any
	impact-related fees, have been paid, and no such fees which would have applicability to the project are otherwise pending or contemplated.	Greg Read	the use of the project as its current use as a manter of right, please explain) [please attach applicable ordinance]:	impact-related fees, have been paid, and no such fees which would have applicability to the project are otherwise pending or contemplated.
	If you should have any questions concerning this matter, please contact me at (40)			If you should have any questions concerning this matter, please contact me at ()
			<ol> <li>Conformance with Current Zoning Requirements. Based on the materials available from our records, the project is:</li> </ol>	Sincerely yours,
	Sincerely yours,  Permits & Davelopment Munegen,  Permits & Davelopment Munegen,  Zoning Zeview section  Zoning Zeview section  [applicable jurisdictional office]		A legally conforming use  A legally non-conforming use	
			A legally conforming structure  A legally non-conforming structure	[applicable jurisdictional office]
	By: Soft for for Title: Planter # (410) 887-3391		Non-conforming  If non-conforming or legally non-conforming, to the best of your knowledge, the	By: Title:
	DEPARTMENT OF PERMITS AND		project is non-conforming [or legally non-conforming] in the following respects:	
	DEVELOPMENT MANAGEMENT 111 West Chesapeake Avenue		•	
	Towson, Maryland 21204			
	CC: Gregory Reed  Aile  ROOM 111 ZONING REVIEW			
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